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Magistrate Case No.

'08 MJ 0972

COMPLAINT FOR VIOLATION OF: 4th

Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

SIGNATURE OF COMPLAINANT

U.S. Immigration & Customs Enforcement

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**NAME: Juan Carlos LEDESMA-Lozano***RUSA Kd***PROBABLE CAUSE STATEMENT**

On August 29, 2007, defendant Juan Carlos LEDESMA-Lozano was arrested by Officers of the United States Marshals Service Task Force, San Diego, California, for a felony warrant and booked into county jail. While in the custody of county jail, an Immigration Agent conducted a field interview, determined the defendant to be a citizen of Mexico and placed an Immigration Hold (I-247) pending his release from jail.

On March 31, 2008, defendant was released from County Jail and referred to the custody of Immigration and Customs Enforcement (ICE) Field Office in San Diego, California. An Immigration Enforcement Agent conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States on at least one occasion.

A thorough review of official immigration computer database record checks revealed that the defendant, Juan Carlos LEDESMA-Lozano, has been ordered removed from the United States by an Immigration Judge on November 03, 2005, and removed to Mexico, via the San Ysidro, California, Port of Entry on November 03, 2005. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System IDENT and Automated Fingerprint Identification System IAFIS were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Luis FLORES, a citizen and national of Mexico.

All information indicates the defendant is a citizen of Mexico having been previously deported from the United States, and has illegally re-entered the United States after deportation, in violation of Title 8 of the United States Code 1326, Deported Alien found in the United States.

The defendant was advised of his of his Miranda rights. Defendant waived those rights and agreed to answer questions without counsel present. The defendant stated that his true name is Juan Carlos LEDESMA-Lozano and that he is a citizen of Mexico by birth in Queretaro, Mexico. Defendant stated he has not obtained a waiver to re-enter the United States. Defendant admitted he has not applied to obtain documents nor is he in possession of documents entitling him to enter or reside in the United States. Defendant further stated he knew it was against the law to enter illegally after having been deported.